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Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/965,002
Filing Date: September 27, 2001
Appellant(s): ABDELHADI ET AL.

Volel Emile (Reg. No. 39,969)
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02 May 2006 appealing from the Office

action mailed 12 August 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

2.   Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Joyce in view of Ahmed.

a.   Regarding claim 1, Joyce discloses a method of displaying the operating

states of various machines on a network in response to a message command. The

method includes displaying when each machine, identified by machine name (p. 133,

line 43; fig. 7).

Joyce does not explicitly teach: the window being divided into sub-windows for

displaying present status of the execution of the command on each of the computer

systems. However, Ahmed discloses: "Windowing software technology is applied

where it is important for an operator to display and interact with multiple programs

executing concurrently in a computer system comprising one or more interconnected

workstations. A "window" is defined to be a portion of a display screen, such as a

cathode ray tube (CRT)," (lines 44-48 of column 1). It would have been obvious to

display information concerning operations of a networked system in a plurality of

windows. Joyce and Ahmed are analogous art because they are both from the same

field of endeavor of the display of operations of networked systems. "As a result, the

operator may access a multiple number of different application programs thereby

accomplishing multiple tasks without having to load a new program each time a new

task must be performed," (lines 59-62 of column 1 and Ahmed). It is for this reason that

one of ordinary skill in the art at the time of the Appellant's invention would have been

motivated to divide the window into sub-windows for displaying present status of the

execution of the command on each of the computer systems in the system as taught by

Joyce.

       b.   Regarding claims 2-8, Joyce teaches: is waiting (p. 133, line 44), receiving

(p. 134, line 2-3), and completed (p. 134, line 5). When the status of each machine

changes, the display is changed to reflect the new status (p. 133, line 41 through p. 134,

line 6). Joyce also discloses that a machine whose message command has failed is

recognized (p. 138, lines 6-7). Joyce does not explicitly teach: displaying the names of

the computer systems in the sub-windows in accordance with the status of the

execution of the command on the computer systems. At the time of invention it would

have been obvious to one of ordinary skill in the art to modify Joyce's method by placing

the machine name icons into separate windows based on their current state of waiting,

receiving, or finished. Fig. 2 of Ahmed clearly depicts displaying the names of the

computer systems in the sub-windows in accordance with the status of the execution of

the command on the computer system. "In FIG. 2, the plurality of different windows 12b

or client application programs 20 displayed on the display screen 12a could include or

consist of a plurality of different client applications 20," (lines 21-24 of column 32 in

Ahmed). It is for this reason that one of ordinary skill in the art at the time of the

Appellant's invention would have been motivated to display the names of the computer

system in the sub-windows in accordance with the status of the execution of the

command on the computer systems in the system as taught by Joyce.

It would also have been obvious to include a "failed" window to reflect the

existence of a machine that belongs in the category of having a message command that

has failed, as detected by Joyce's method (lines 6-7 on page 138). It logically follows

that if a machine has finished, but has not failed, it should be grouped in a window

separately as such. Joyce discloses changing the display to reflect a change in status,

therefore it would logically follow that when combined with Ahmed, the icons would

move from one state window to another when the associated machine's state changes.

The motivation for these modifications would have been to provide a more

organized display of which machines are in which states, rather than having to look at

un-grouped icons that are spread around the display screen, as with Joyce's original

method.

Therefore it would have been obvious to combine Ahmed with Joyce for the

benefit of organization to obtain the invention as specified in claims 2-8.

3.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce in view of Ahmed as applied to claim 8 above, further in view of Kimura.

Joyce and Ahmed do not expressly disclose that the names of the computer systems are displayed in red in the "failed" subwindow.

Kimura teaches that a color such as red can be used to denote an error condition in a display (col. 9, lines 56-60).

Joyce, Ahmed, and Kimura are all analogous art because they are all from the same field of endeavor of monitoring systems.

At the time of invention it would have been obvious to one of ordinary skill in the art to use the color red to display the machines experiencing error conditions.

The motivation for doing so would have been to provide a mechanism of communicating a warning to the operator (col. 9, line 60).

Therefore it would have been obvious to combine Kimura with Joyce and Ahmed for the benefit of communicating a warning to obtain the invention as specified in claim 9.

4.   Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce in view of Ahmed, in further view of Kimura as applied to claim 9 above, and further in view of Darland.

With respect to claim 10, Joyce, Ahmed, and Kimura do not expressly disclose that when the displayed name of a computer system is selected further information about the status of the command executing on the computer system is displayed.

Darland teaches that additional operating information about an item can be obtained by selecting that item (col. 11, lines 11-12; 18-22).

Joyce, Ahmed, Kimura, and Darland are all analogous art because they are all from the same field of endeavor of monitoring systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify Joyce, Ahmed, and Kimura's method by allowing additional information about the operation of the command to be displayed when a user selects Joyce's machine icon, as taught by Darland.

The motivation for doing so would have been to provide the user with information about the effectiveness of the system (col. 1, lines 5-7).

Therefore it would have been obvious to combine Darland with Joyce, Ahmed, and Kimura for the benefit of providing additional information to the user to obtain the invention as specified in claim 10.

With respect to claim 11, Kimura further discloses that when an error condition occurs, an error code and an error message can be displayed (col. 10, lines 9-18).

At the time of invention, it would have been obvious to further modify Joyce, Ahmed, Kimura, and Darland's method by allowing an error message to by displayed as part of the additional operating information when a failed machine icon is selected.

The motivation for doing so would have been to provide the user with information to help diagnose a failure in the system.

Therefore it would have been obvious to combine Joyce, Ahmed, Kimura, and

Darland for the benefit of providing additional information to the user to obtain the

invention as specified in claim 11.

With respect to claim 12, Darland further discloses that the additional operating

information obtained by selecting the item can include a real-time progress indicator

(col. 11, lines 2, 24-26).

At the time of invention it would have been obvious to one of ordinary skill in the

art to further modify Joyce, Ahmed, Kimura, and Darland's method by allowing a real-

time progress indicator to be displayed as part of the additional operating information

when a receiving machine is selected.

The motivation for doing so would have been to allow the user to view the

progress of the receiving operation.

Therefore it would have been obvious to combine Joyce, Ahmed, Kimura, and

Darland for the benefit of providing additional information to the user to obtain the

invention as specified in claim 12.

5.   Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Joyce in view of Ahmed.

Joyce discloses a computer program product on a computer readable medium

for displaying the operating states of various machines on a network in response to a

message command. The product includes displaying when each machine, identified by

machine name (p. 133, line 43; fig. 7), is waiting (p. 133, line 44), receiving (p. 134, line

2-3), and finished (p. 134, line 5). When the status of each machine changes, the display is changed to reflect the new status (p. 133, line 41- p. 134, line 6). Joyce also discloses that a machine whose message command has failed is recognized (p. 138, lines 6-7).

Ahmed teaches that it is known to display information concerning operations of a networked system in a plurality of windows (col. 1, lines 44-48).

Joyce and Ahmed are analogous art because they are both from the same field of endeavor of the display of operations of networked systems.

At the time of invention it would have been obvious to one of ordinary skill in the art to modify Joyce's product by placing the machine name icons into separate windows based on their current state of waiting, receiving, or finished. It would also have been obvious to include a "failed" window to reflect the existence of a machine that belongs in the category of having a message command that has failed, as detected by Joyce's method. It logically follows that if a machine has finished, but has not failed, it should be grouped in a window separately as such. Joyce discloses changing the display to reflect a change in status, therefore it would logically follow that when combined with Ahmed, the icons would move from one state window to another when the associated machine's state changes.

The motivation for these modifications would have been to provide a more organized display of which machines are in which states, rather than having to look at un-grouped icons that are spread around the display screen, as with Joyce's original method.

Therefore it would have been obvious to combine Ahmed with Joyce for the

benefit of organization to obtain the invention as specified in claims 13-20.

6.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce in

view of Ahmed as applied to claims 13-20 above, and further in view of Kimura.

Joyce and Ahmed do not expressly disclose that the names of the computer

systems are displayed in red in the "failed" subwindow.

Kimura teaches that a color such as red can be used to denote an error condition

in a display (col. 9, lines 56-60).

Joyce, Ahmed, and Kimura are all analogous art because they are all from the

same field of endeavor of monitoring systems.

At the time of invention it would have been obvious to one of ordinary skill in the

art to use the color red to display the machines experiencing error conditions.

The motivation for doing so would have been to provide a mechanism of

communicating a warning to the operator (col. 9, line 60).

Therefore it would have been obvious to combine Kimura with Joyce and Ahmed

for the benefit of communicating a warning to obtain the invention as specified in claim

21.

7.   Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Joyce in view of Ahmed, in further view of Kimura as applied to claim 21 above, and

further in view of Darland.

With respect to claim 22, Joyce, Ahmed, and Kimura do not expressly disclose that when the displayed name of a computer system is selected further information about the status of the command executing on the computer system is displayed.

Darland teaches that additional operating information about an item can be obtained by selecting that item (col. 11, lines 11-12; 18-22).

Joyce, Ahmed, Kimura, and Darland are all analogous art because they are all from the same field of endeavor of monitoring systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify Joyce, Ahmed, and Kimura's product by allowing additional information about the operation of the command to be displayed when a user selects Joyce's machine icon, as taught by Darland.

The motivation for doing so would have been to provide the user with information about the effectiveness of the system (col. 1, lines 5-7).

Therefore it would have been obvious to combine Darland with Joyce, Ahmed, and Kimura for the benefit of providing additional information to the user to obtain the invention as specified in claim 22.

With respect to claim 23, Kimura further discloses that when an error condition occurs, an error code and an error message can be displayed (col. 10, lines 9-18).

At the time of invention, it would have been obvious to further modify Joyce, Ahmed, Kimura, and Darland's product by allowing an error message to be displayed as part of the additional operating information when a failed machine icon is selected.

The motivation for doing so would have been to provide the user with information to help diagnose a failure in the system.

Therefore it would have been obvious to combine Joyce, Ahmed, Kimura, and Darland for the benefit of providing additional information to the user to obtain the invention as specified in claim 23.

With respect to claim 24, Darland further discloses that the additional operating information obtained by selecting the item can include a real-time progress indicator (col. 11, lines 2, 24-26).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Joyce, Ahmed, Kimura, and Darland's product by allowing a real-time progress indicator to be displayed as part of the additional operating information when a receiving machine is selected.

The motivation for doing so would have been to allow the user to view the progress of the receiving operation.

Therefore it would have been obvious to combine Joyce, Ahmed, Kimura, and Darland for the benefit of providing additional information to the user to obtain the invention as specified in claim 24.

8.   Claims 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce in view of Ahmed.

Joyce discloses an apparatus of displaying the operating states of various machines on a network in response to a message command. The apparatus includes

displaying when each machine, identified by machine name (p. 133, line 43; fig. 7), is

waiting (p. 133, line 44), receiving (p. 134, line 2-3), and finished (p. 134, line 5). When

the status of each machine changes, the display is changed to reflect the new status (p.

133, line 41- p. 134, line 6). Joyce also discloses that a machine whose message

command has failed is recognized (p. 138, lines 6-7).

Ahmed teaches that it is known to display information concerning operations of a

networked system in a plurality of windows (col. 1, lines 44-48).

Joyce and Ahmed are analogous art because they are both from the same field

of endeavor of the display of operations of networked systems.

At the time of invention it would have been obvious to one of ordinary skill in the

art to modify Joyce's apparatus by placing the machine name icons into separate

windows based on their current state of waiting, receiving, or finished. It would also

have been obvious to include a "failed" window to reflect the existence of a machine that

belongs in the category of having a message command that has failed, as detected by

Joyce's method. It logically follows that if a machine has finished, but has not failed, it

should be grouped in a window separately as such. Joyce discloses changing the

display to reflect a change in status, therefore it would logically follow that when

combined with Ahmed, the icons would move from one state window to another when

the associated machine's state changes.

The motivation for these modifications would have been to provide a more

organized display of which machines are in which states, rather than having to look at

un-grouped icons that are spread around the display screen, as with Joyce's original

method.

Therefore it would have been obvious to combine Ahmed with Joyce for the

benefit of organization to obtain the invention as specified in claims 25-32.

9.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce in

view of Ahmed as applied to claims 25-32 above, and further in view of Kimura.

Joyce and Ahmed do not expressly disclose that the names of the computer

systems are displayed in red in the "failed" subwindow.

Kimura teaches that a color such as red can be used to denote an error condition

in a display (col. 9, lines 56-60).

Joyce, Ahmed, and Kimura are all analogous art because they are all from the

same field of endeavor of monitoring systems.

At the time of invention it would have been obvious to one of ordinary skill in the

art to use the color red to display the machines experiencing error conditions.

The motivation for doing so would have been to provide a mechanism of

communicating a warning to the operator (col. 9, line 60).

Therefore it would have been obvious to combine Kimura with Joyce and Ahmed

for the benefit of communicating a warning to obtain the invention as specified in claim

33.

10.   Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Joyce in view of Ahmed, in further view of Kimura as applied to claim 33 above, and

further in view of Darland.

With respect to claim 34, Joyce, Ahmed, and Kimura do not expressly disclose

that when the displayed name of a computer system is selected further information

about the status of the command executing on the computer system is displayed.

Darland teaches that additional operating information about an item can be

obtained by selecting that item (col. 11, lines 11-12; 18-22).

Joyce, Ahmed, Kimura, and Darland are all analogous art because they are all

from the same field of endeavor of monitoring systems.

At the time of invention, it would have been obvious to one of ordinary skill in the

art to modify Joyce, Ahmed, and Kimura's apparatus by allowing additional information

about the operation of the command to be displayed when a user selects Joyce's

machine icon, as taught by Darland.

The motivation for doing so would have been to provide the user with information

about the effectiveness of the system (col. 1, lines 5-7).

Therefore it would have been obvious to combine Darland with Joyce, Ahmed,

and Kimura for the benefit of providing additional information to the user to obtain the

invention as specified in claim 34.

With respect to claim 35, Kimura further discloses that when an error condition

occurs, an error code and an error message can be displayed (col. 10, lines 9-18).

At the time of invention, it would have been obvious to further modify Joyce,

Ahmed, Kimura, and Darland's apparatus by allowing an error message to by displayed

as part of the additional operating information when a failed machine icon is selected.

The motivation for doing so would have been to provide the user with information

to help diagnose a failure in the system.

Therefore it would have been obvious to combine Joyce, Ahmed, Kimura, and

Darland for the benefit of providing additional information to the user to obtain the

invention as specified in claim 35.

With respect to claim 36, Darland further discloses that the additional operating

information obtained by selecting the item can include a real-time progress indicator

(col. 11, lines 2, 24-26).

At the time of invention it would have been obvious to one of ordinary skill in the

art to further modify Joyce, Ahmed, Kimura, and Darland's apparatus by allowing a real-

time progress indicator to be displayed as part of the additional operating information

when a receiving machine is selected.

The motivation for doing so would have been to allow the user to view the

progress of the receiving operation.

Therefore it would have been obvious to combine Joyce, Ahmed, Kimura, and

Darland for the benefit of providing additional information to the user to obtain the

invention as specified in claim 36.

11.   Claim 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce

in view of Ahmed.

With respect to claim 37, Joyce discloses enabling a user to enter the

command in a common interface, the command being either a request to start execution

of another command or to stop execution of the other command, the common interface

translating the command into the different command structures and enabling a user to

send the command to the plurality of the computer systems (paragraph 3 of section 2.1

on page 125), enabling a user to indicate whether or not the execution of the command

is to be monitored (paragraph 1 of section 2.3 on pages 126-127 and Fig. 3), and

displaying the status of the execution of the command on each of the computer systems

within a proper sub-window (p. 133, line 41 through p. 134, line 6). Joyce does not

explicitly teach: displaying, if the execution of the command is to be monitored, a dialog

window that is divided into a waiting, working, successful, and failed sub-windows for

displaying present status of the execution of the command on each of the computer

systems executing the command. However, Ahmed discloses: "Windowing software

technology is applied where it is important for an operator to display and interact with

multiple programs executing concurrently in a computer system comprising one or more

interconnected workstations. A "window" is defined to be a portion of a display screen,

such as a cathode ray tube (CRT)," (lines 44-48 of column 1). It would have been

obvious to display, if the execution of the command is to be monitored, a dialog window

that is divided into a waiting, working, successful, and failed sub-windows for displaying

present status of the execution of the command on each of the computer systems

executing the command. Joyce and Ahmed are analogous art because they are both

from the same field of endeavor of the display of operations of networked systems. "As

a result, the operator may access a multiple number of different application programs

thereby accomplishing multiple tasks without having to load a new program each time a

new task must be performed," (lines 59-62 of column 1 in Ahmed). It is for this reason

that one of ordinary skill in the art at the time of the Appellant's invention would have

been motivated to display, if the execution of the command is to be monitored, a dialog

window that is divided into a waiting, working, successful, and failed sub-windows for

displaying present status of the execution of the command on each of the computer

systems executing the command in the system as taught by Joyce. Joyce and Ahmed

are analogous art because they are both from the same field of endeavor of the display

of operations of networked systems. At the time of invention it would have been

obvious to one of ordinary skill in the art to modify Joyce's method by placing the

machine name icons into separate windows based on their current state of waiting,

receiving, or finished. Joyce discloses changing the display to reflect a change in

status, therefore it would logically follow that when combined with Ahmed, the icons

would move from one state window to another when the associated machine's state

changes. The motivation for these modifications would have been to provide a more

organized display of which machines are in which states, rather than having to look at

un-grouped icons that are spread around the display screen, as with Joyce's original

method. Therefore it would have been obvious to combine Ahmed with Joyce for the

benefit of organization to obtain the invention as specified in claim 37.

(10) Response to Argument

Appellant argues – Regarding claim 1, Joyce does not teach, show or suggest

the step of displaying a dialog window that is divided into sub-windows in which the

status of a command that is being executed on a plurality of computer systems is

displayed.

In response to the above argument, no specific definition is given for

"dialog window." However, line 30 of page 12 through line 2 of page 14 of the

Appellant's specification discloses generally: "The dialog window of the general tab 602

is the default window of the common interface. That is, when the invention is activated,

FIG. 6 is displayed. This dialog window is intended to prompt for all necessary

information needed to issue a command to the network," such that a "dialog window" is

nothing more than the common interface. The first full paragraph on page 127 of Joyce

discloses: "The architecture of the monitoring system is illustrated in Figure 4. Six

application process running on two machines, vaxa and cv01, are shown. A Channel

process resides on each machine being monitored, and it collects monitoring

information from the application processes executing on that machine. A channel

distributes this information to one or more Consoles (the consoles may be running on

different machines), and each console receives information from one or more channels.

A console examines and interprets the monitoring information it receives and then

presents it to the user. The flow of monitoring information from application processes to

consoles is transparent to application processes and does not affect the way in which

they communicate with each other via Jipc." Figure 4 on page 128 of Joyce clearly

shows multiple channels (processes) running on a cv01 system console. Additionally,

Figure 6 of Joyce on page 132 shows the textual console that displays present status of

the execution of the command for a system, which is described in detail on pages 131-

133. Because each console receives information from one or more channels, multiple

instances of the display can be shown in the windowed application or console. Joyce

therefore teaches displaying a dialog window, which presents the status of the

execution of the command on each of the computer systems.

Joyce does not explicitly teach multiple windows or sub-windows within the

monitoring system. Ahmed, however, discloses: "there may be a multiple number of

windows on the screen at one time. Typically, the user moves a cursor around the

screen by use of an input device known as a mouse or by use of multiple keys on a

keyboard. The cursor can be moved from one window to another on the screen, and,

when the cursor is present within a particular window on the screen, the user/operator is

placed in communication with the application program which generated that particular

window on the screen. As a result, the operator may access a multiple number of

different application programs thereby accomplishing multiple tasks without having to

load a new program each time a new task must be performed," (lines 50-62 of column 1

in Ahmed) provides support for sub-windows as well as providing motivation to do so.

Taking the Appellant's broad definition of "dialog window" as nothing more than a

common interface, one can easily take Joyce's dialog window of Fig. 6 and provide it

with the capability of having multiple windows on the screen at one time, sub-dividing

the interface, as described in Ahmed on lines 44-48 of column 1 which disclose:

"Windowing software technology is applied where it is important for an operator to display and interact with multiple programs executing concurrently in a computer system comprising one or more interconnected workstations. A "window" is defined to be a portion of a display screen, such as a cathode ray tube (CRT)." It would have been obvious to do so because, as Ahmed states on lines 59-62 of column 1: "As a result, the operator may access a multiple number of different application programs thereby accomplishing multiple tasks without having to load a new program each time a new task must be performed." It is for this reason that one of ordinary skill in the art at the time of the Appellant's invention would have been motivated to display a dialog window that is divided into sub-windows in which the status of a command that is being executed on a plurality of computer systems is displayed in the system as taught by Joyce.
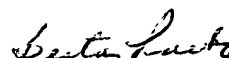
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
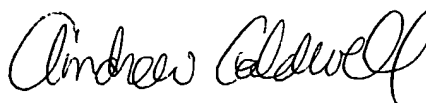
Respectfully submitted,

mm
28 July 2006

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